

The Honorable Robert S. Lasnik

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALIN MUSE, an individual,

Plaintiff,

v.

HUNTLEIGH USA CORPORATION, a foreign  
corporation; RICHARD SPORN, an individual;  
DIANE GALFORD, an individual,

Defendants.

Case No. 2:16-cv-00357-RSL

**ORDER GRANTING STIPULATED  
MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT**

Before the Court is the Parties' Stipulated Motion for Preliminary Approval of the Class Action Settlement (the "Stipulated Motion"). The Court has considered the Stipulated Motion and attachments thereto. This Court has also reviewed the Parties' Settlement Agreement ("Agreement"), as well as the files, records and proceedings to date in this matter.<sup>1</sup>

Based on this Court's review of the Agreement and all of the files, records, and proceedings herein, the Court concludes, upon preliminary examination, that the Agreement and Settlement appear fair, reasonable, and adequate, and within the range of reasonableness for preliminary settlement approval, and that a hearing should and will be held after notice to the

<sup>1</sup> For purposes of this Order, capitalized terms used below shall have the meaning ascribed to them in the Stipulated Motion, unless otherwise defined.

1 Settlement Class (as described in Paragraph C below) to confirm that the Agreement and  
2 Settlement are fair, reasonable and adequate and to determine whether the Settlement should be  
3 approved and final judgment entered in the Action based upon the Agreement.

4 IT IS HEREBY ORDERED THAT:

5 A. Preliminary Approval of Proposed Settlement.

6 The Agreement is preliminarily approved as fair, reasonable and adequate and within  
7 the range of reasonableness for preliminary settlement approval. The Court finds that: (a) the  
8 Agreement resulted from extensive arm's length negotiations; and (b) the Agreement is  
9 sufficient to warrant notice of the Settlement to persons in the Settlement Class and a full  
10 hearing on the approval of the Settlement.  
11

12 B. Class Certification For Settlement Purposes Only.

13 Pursuant to Rule of Civil Procedure 23(c), the Court conditionally certifies, for  
14 settlement purposes only, the following Settlement Class:

15 All employees of the Defendants who are alleged to have been either  
16 Hospitality Workers or Transportation Workers and who worked one or more  
17 hours within the City of SeaTac at any time during the time period from  
18 January 1, 2014, to February 14, 2016, and who were paid less than the  
19 prevailing minimum wage prescribed by City of SeaTac Ordinance 7.45.050,  
i.e., a base rate of \$15.00 per hour in 2014 and \$15.24 in 2015 and 2016.

20 C. Settlement Hearing.

21 A final approval hearing (the "Settlement Hearing") shall be held before the Honorable  
22 Robert Lasnik on February 22, 2018, as set forth in the Notice to the Settlement Class, to  
23 determine whether the Agreement is fair, reasonable and adequate and should be approved.  
24 Papers in support of final approval of the Agreement, the incentive awards to Plaintiff, and  
25 Class Counsel's application for an award of attorneys' fees, costs and expenses (the "Fee  
26 Application") shall be filed with the Court according to the schedule set forth in the chart on

1 page 6 below. If the Settlement Hearing is postponed, adjourned, or continued by order of the  
2 Court, the Parties shall notify the Settlement Class by posting the change on the Settlement  
3 Website. After the Settlement Hearing, the Court may enter a settlement order and final  
4 judgment in accordance with the Agreement that will adjudicate the rights of the Settlement  
5 Class Members with respect to the Released Claims being settled. The scope of the Released  
6 Claims shall be a full and complete release of any and all claims, known or unknown, asserted  
7 or unasserted, arising under any provisions of Proposition 1 and Chapter 7.45 *et seq.* of the City  
8 of SeaTac Municipal Code, the Washington Minimum Wage Act, and the Fair Labor Standards  
9 Act.

10 D. Class Notice.

11 Class Notice shall be sent within twenty-one (21) days following entry of this Order.

12 E. Mail Notice.

13 The Claims Administrators will provide mail notice to persons in the Settlement Class  
14 for whom the Defendant possesses a mailing address. Mail Notice will be sent via direct mail  
15 to the most recent mailing address as reflected in reasonably available employment records of  
16 the Defendant. Skip tracing shall be performed by the Claims Administrator for all returned  
17 mail.

18 F. Findings Concerning Class Notice.

19 The Court finds that the foregoing program of Class Notice and the manner of its  
20 dissemination is the best practicable notice under the circumstances and is reasonably  
21 calculated to apprise the Settlement Class of the pendency of this Action and their right to  
22 object to or exclude themselves from the Settlement Class. The Court further finds that the  
23 Class Notice program is reasonable, that it constitutes due, adequate and sufficient notice to all  
24 persons entitled to receive notice and that it meets the requirements of due process and CR 23.  
25 The Court hereby approves the Notice in substantially the same form as that attached to the  
26 Declaration of Duncan C. Turner.

1           G.   Administration.

2           The Claim Form and the claims submission process described in the Agreement and  
3 Stipulated Motion are hereby approved. In addition, the Court confirms that it is appropriate  
4 for the Defendant to provide the information necessary to provide the notice contemplated  
5 herein and to administer the settlement, including names, addresses and account information.

6           H.   Exclusion from the Settlement Class.

7           Persons in the Settlement Class will possess the right to opt out by sending a written  
8 request to a designated address within thirty (30) days after the Notice Deadline. All  
9 Settlement Class Members who do not opt out in accordance with the terms set forth herein  
10 will be bound by all determinations and judgments in the Action. Exclusion requests must be  
11 signed and include the following statement: "I/we request to be excluded from the class  
12 settlement in *Muse v. Huntleigh USA Corp., et al., Case No. 2:16-cv-00357-RSL*." The Claims  
13 Administrators will retain a copy of all requests for exclusion. Not later than 15 days from the  
14 exclusion deadline, the Claims Administrators shall file with the Court all objections received.

15          I.   Objections and Appearances.

16          Any person in the Settlement Class who has not timely submitted a valid request for  
17 exclusion from the Settlement Class, and thus is a Settlement Class Member, may appear at the  
18 Final Approval Hearing to argue that the proposed Settlement should not be approved and/or to  
19 oppose the application of Class Counsel for an award of attorneys' fees and the incentive  
20 awards to the named Plaintiff.

- 21           1. In order to be heard at the hearing, the person must make any objection in  
22           writing and file it with the Court not later than thirty (30) days after the  
23           Notice Deadline. Any objections that are not timely filed and mailed shall be  
24           forever barred.
- 25           2. In order to be heard at the hearing, the person also must file with the Court  
26           and serve on all Parties a Notice of Intention to Appear with the Court.

1 J. Further Papers In Support Of Settlement And Fee Application.

2 The deadline to respond to objections shall be fifteen (15) days following the  
3 Objection/Exclusion deadline.

4 K. Effect of Failure to Approve the Agreement.

5 In the event the Agreement is not approved by the Court, or for any reason the Parties  
6 fail to obtain a Final Judgment as contemplated in the Agreement, or the Agreement is  
7 terminated pursuant to its terms for any reason, then the following shall apply:

- 8 1. All orders and findings entered in connection with the Agreement shall  
9 become null and void and have no further force and effect, shall not be used  
10 or referred to for any purposes whatsoever, and shall not be admissible or  
11 discoverable in any other proceeding;
- 12 2. The conditional certification of the Settlement Class pursuant to this Order  
13 shall be vacated automatically and void; no doctrine of waiver, estoppel or  
14 preclusion shall be asserted in any litigated certification proceedings in the  
15 Action; and the Agreement and its existence shall be inadmissible to establish  
16 any fact relevant to class certification or any alleged liability of the  
17 Defendant for the matters alleged in the Action or for any other purpose;
- 18 3. Nothing contained in this Order is, or may be construed as, any admission or  
19 concession by or against the Defendant or Plaintiff on any point of fact or  
20 law.

21 L. Stay/Bar Of Other Proceedings.

22 All proceedings in this Action are stayed until further order of the Court, except as  
23 may be necessary to implement the terms of the settlement. Pending final determination of  
24 whether the settlement should be approved, Plaintiff, all persons in the Settlement Class and  
25 persons purporting to act on their behalf are enjoined from commencing or prosecuting  
26 (either directly, representatively or in any other capacity) against any of the Released Parties

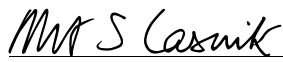
any action, arbitration or proceeding in any court, arbitration forum or tribunal asserting any of the Released Claims.

ACTION	DATE
Preliminary Approval Order Entered	October 26, 2017
Initial Notice Mailing Date	Within 21 days following entry of the Preliminary Approval Order
Notice Deadline	Within 45 days following entry of the Preliminary Approval Order
Deadline to Submit Claims	30 days after Notice Deadline
Exclusion/Objection Deadline	30 days after Notice Deadline
Class Counsel's Fee Motion Submitted	45 days after Notice Deadline
Final Approval Brief and Response to Objections	45 days after Notice Deadline
Final Approval Hearing / Noting Date	Between 100-140 days of entry of the Preliminary Approval Order.
Final Approval Order Entered	At the Court's discretion.

**M. Timeline.**

The Final Hearing, is scheduled on February 22, 2018 at 8:30 a.m. in Courtroom 15106 at the United States Courthouse, 700 Stewart Street, Seattle, WA 98101.

Dated this 26th day of October, 2017.

  
Robert S. Lasnik  
U.S. District Court Judge